

रीजिस्टर्ड नं० गि० 461.



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 18 अप्रैल, 1973/28 चैत्र, 1895

GOVERNMENT OF HIMACHAL PRADESH

ELECTION DEPARTMENT

NOTIFICATION

Simla-2, the 16th April, 1973

No. 3-11/73-Elec.—The Election Commission of India's Order No. HP-LA/68/72(1), dated the 14th March, 1973, corresponding to Phalguna 23, 1894 (Saka), together with its Hindi version, issued under section 10A of the Representation of the People Act, 1951, is hereby published in the Himachal Pradesh Gazette for general information.

By order,
L. TOCHHAWNG,
Chief Electoral Officer, Himachal Pradesh.

ELECTION COMMISSION OF INDIA ORDER

Ashoka Road, New Delhi-1, the 14th March, 1973/Phalguna 23, 1894 (Saka)

No. HP-LA/68/72(1).—Whereas the Election Commission is satisfied that Shri Anant Ram, s/o Shri Wazira Ram, Mohalla Suhra, Mandi town, Mandi, Himachal Pradesh, a contesting candidate for election to the Legislative Assembly from 68—Mandi Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Anant Ram to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By order,
B. N. BHARDWAJ,
Secretary to the Election Commission of India.

भारत निर्वाचन आयोग
आदेश

निर्वाचन सदन, अशोक रोड, नई दिल्ली-1, 14 मार्च, 1973/23 फाल्गुन, 1895 (शक)

सं० हि० प्र०-वि० सं० 78172(1).—यतः, निर्वाचन आयोग का समाधान हो गया है कि हिमाचल प्रदेश विधान सभा के लिए 68—मण्डी निर्वाचन क्षेत्र से लड़ने वाले उम्मीदवार श्री अनन्तराम सुपुत्र श्री वजीरा राम, मो० सुहरा, मण्डी शहर, मण्डी लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसार में निर्वाचन आयोग एतद्द्वारा उक्त श्री अनन्तराम को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

आदेश से,
बी० एन० भारद्वाज,
सचिव, भारत निर्वाचन आयोग।

PANCHAYATI RAJ DEPARTMENT

NOTIFICATION

Simla-2, the 5th April, 1973

No. 4-2/71-CDP (PNT)-II.—In exercise of the powers conferred by section 163 read with clause (f) of sub-section (3) section 139 of the Himachal Pradesh Panchayati Raj Act, 1968 (Act, No. 19 of 1970), the Governor, Himachal Pradesh proposes to make the following draft rules entitled as the Himachal Pradesh Zila Parishads (Co-option of Members), Rules, 1972 and the same are hereby published in the Official Gazette for the information of the general public and a notice is hereby given that these draft rules will be taken into consideration after fifteen days from the date of publication in the Gazette.

If any person affected thereby, desires to take any objection or has any suggestion to make, regarding these draft rules he can send the same to the Director of Panchayati Raj, Himachal Pradesh, Simla-4, before the expiry of the above period. The objection or suggestions, if any, so received, will be taken into consideration before finalising these rules.

DRAFT RULES

1. (1) These rules may be called the Himachal Pradesh Zila Parishads (Co-option of Members) Rules, 1972.

Short title,
Comence-
ment and
Repeal.

2. In these rules, unless the context otherwise requires;—

Definitions

- (a) 'Act' means the Himachal Pradesh Panchayati Raj Act, 1968;
- (b) 'Form' means a form appended to these rules;
- (c) 'Member' means a person specified in clauses (a) and (b) of sub-section (3) of section 139 of the Act;
- (d) 'section' means a section of the Act;
- (e) words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

3. (1) After a notification of election of members of Zila Parishad has been issued, the Deputy Commissioner or any gazetted officer appointed by him in this behalf, (hereinafter referred to as 'Presiding Officer') shall convene a meeting of the members at the office of the Zila Parishad or at such other place as he may determine in this behalf for the purpose of co-opting members as required by clause (f) of sub-section (3) of section 139. Such meeting shall be convened after giving five days' clear notice to the members.

Notice of
special meeting for
co-option.
Section 13
(3) (f) of the
Act.

(2) The notice referred to in sub-rule (1) shall state—

- (i) the date, time and place of meeting;
- (ii) the number of women, elected as members, and the number, if any, of women to be co-opted; and
- (iii) the number of persons belonging to scheduled castes elected as members and the number if any, of such persons to be co-opted.

quorum.

4. (1) One-half of the total number of Members shall constitute a quorum for the co-option of persons.

(2) If at the first meeting there be no quorum present as specified in sub-rule (1), the Presiding Officer shall adjourn the meeting.

(3) When a meeting is adjourned under sub-rule (2) another meeting shall be convened by the Presiding Officer for the purpose of co-opting members by giving three days clear notice to the members.

(4) No quorum shall be necessary for the second meeting.

particulars
of persons
proposed
for co-option
to be furni-
shed.

5. (1) On the day fixed for the meeting, particulars of the persons proposed for co-option shall be furnished in Form 'A' to the Presiding Officer, by the members proposing and seconding such persons.

(2) Only these persons may be proposed for co-option who are—

(i) Panches or Sarpanches of Gram Panchayats.

method of
co-option.

6. (1) The Presiding Officer shall read out the particulars of the persons proposed to all the member present and also explain to them—

(a) the purpose for which the meeting has been called;

(b) the number of women and persons belonging to scheduled castes to be co-opted;

(c) the disqualifications and qualifications laid down in section 64 and 65 of the Act;

(d) the need to co-opt only those persons who have agreed to serve on the Zila Parishad, if co-opted.

(2) After satisfying himself that the persons whose names have been proposed are eligible for being co-opted the Presiding Officer shall, if the number of scheduled castes candidates or women candidates is equal to or less than the number of persons belonging to scheduled castes, or the number of women, as the case may be, to be co-opted, declare such candidates to be co-opted. Otherwise, he shall call upon the members to decide the co-option of the required number of persons by secret ballot in the manner hereinafter laid down.

sting and
ult of co-
tion.

7. (1) The Presiding Officer shall provide in the place where the meeting is held two voting compartments, one for women candidates and other for scheduled castes candidates, to be co-opted, in which members can record their votes without being overseen. The Presiding Officer shall also provide two sealed ballot boxes, one for the co-option of women and the other for the co-option of scheduled castes candidates, and shall place them in such a manner so that they can be seen by him during polling. The ballot boxes shall be so constructed that ballot papers can be introduced therein but cannot be withdrawn therefrom without the boxes being unlocked or opened.

(2) Immediately before the commencement of the poll, the Presiding Officer shall show the ballot boxes in open condition, to all the members present, so that they may see that the boxes are empty. The Presiding Officers shall thereafter lock the ballot boxes and affix his seal upon it in such a manner so as to prevent its being opened without breaking such seals.

(3) Every member wishing to vote shall be supplied with a ballot paper in Form 'B' for the co-option of women and a ballot paper in Form 'C' for the co-option of persons belonging to scheduled castes, on which names of the contesting candidates shall be printed, typed or legibly written in "Hindi" in an alphabetical order. The ballot papers shall be signed by the Presiding Officer before being handed over to the members. The ballot paper for the co-option of scheduled castes candidates shall be supplied after the member has exercised his right to vote for the co-option of women candidates.

(4) The members shall, on receiving the ballot paper, proceed to the place set apart for voting and there place a cross mark "(X)" in column (3) of the ballot paper against the name or names of the candidate for whom he wishes to vote, with a red or blue pencil.

(5) Each member shall have a right to cast as many votes for scheduled castes candidates as there are number of persons belonging to such castes to be co-opted and as many votes for women candidates as there are number of women to be co-opted.

(6) He shall then fold the ballot paper to ensure secrecy and deposit it in the ballot box.

(7) In the case of a member who is illiterate or is physically incapacitated from voting, the Presiding Officer shall, at his or her request take him or her to the place set apart for voting, ascertain his or her choice, accordingly mark the ballot paper, fold it to ensure secrecy of the ballot.

(8) The Presiding Officer shall cause all necessary arrangements to be made as will ensure secrecy of the ballot.

(9) Every member wishing to record his vote shall do so in person and not by proxy.

(10) Immediately after the voting is over, the Presiding Officer shall open the ballot boxes and count the votes, separately for women and scheduled castes candidates in the presence of such members as may be present and declare the results in the following manner:—

(a) The candidate who is found to have obtained the largest number of valid votes, or if more than one is to be co-opted, the candidates upto the number of persons to be co-opted who are found to have obtained the largest number of valid votes shall be declared to have been co-opted.

(b) In the event of a number of contesting candidates polling the same number of votes, the Presiding Officer shall draw lots in the presence of members and the candidate or candidates whose name or names is or are first drawn shall be declared to have been duly co-opted.

(11) The result shall be declared in Form 'D'.

8. Any ballot paper which bears any mark or signature by which the voter can be identified or on which the mark "(X)" is placed against more than the number of persons to be co-opted or in an ambiguous manner or in contravention of the provisions of sub-rule (5) of rule 7 or which does not bear the signature of the Presiding Officer as prescribed in sub-rule (3) of rule 7, shall be declared invalid.

Validity of
ballot papers.

Preparation
of record of
proceedings
and the
publication
of result of
election.

9. Immediately after the meeting for co-option is over, the Presiding Officer shall—

- (a) Prepare in Form 'E' a record of proceedings of the meeting and sign it, attesting with his initials every correction made therein and also permit any member present at the meeting to affix his signature or thumb-mark to such record if he so desires; and
- (b) publish on the notice board of the Zila Parishad and such other conspicuous place as may be determined by him, a notification signed by him, stating the names of the members who have been co-opted and send a copy of such notification to the Deputy Commissioner for publication in the Official Gazette.

FORM 'A'

(See rule 5)

1. Name of the District.
2. Name of the Zila Parishad.
3. Name of person proposed.
4. Age.
5. Sex.
6. Address.
7. Caste to which he or she belongs.
8. Full name and address of Proposer.
9. Full name and address of Secunder.

Note.—Item 7 is to be filled up only in the case of members of the scheduled castes.

DECLARATION BY PROPOSER AND SECONDER

We, the proposer and seconder, hereby declare that the person proposed does not suffer from any of the disqualifications laid down in section 64 of the Himachal Pradesh Panchayati Raj Act, and that he or she is willing to serve as a member of the Zila Parishad, if co-opted.

Date:

Signature of Proposer,
(Name and address).

Signature of Secunder,
(Name and address).

FORM 'B'

[See sub-rule (3) of rule 7]

BALLOT PAPER FOR CO-OPTION OF WOMEN

S. No.	Name and description of the candidate	For mark (X) by voter
1.
2.
3.
4.
5 etc.

Signature of Presiding Officer.

FORM 'C'

[See sub-rule (3) of rule 7]

BALLOT PAPER FOR CO-OPTION OF PERSONS BELONGING TO SCHEDULED CASTES

S. No.	Name and description of the candidate	For mark (X) by voter
1.
2.
3.
4.
5 etc.

Signature of Presiding Officer.

FORM 'D'

[See sub-rule (11) of rule 7]

Name of District.

Name of Zila Parishad.

Name of members Present:

1.

2.

3 etc.

Number of persons to be co-opted.

(a) Women

(b) Scheduled castes

Name and full address of persons co-opted:

(a) Women

1.

2.

(b) Scheduled castes

1.

2.

Signature of Presiding Officer.

Date:

Signature or thumb-mark of members present:

(1)

(2)

(3)

(4) etc.

FORM 'E'

(See rule 9)

Name of District.

Name of Zila Parishad.

Date, time and place of meeting.

Number of members present.

Name of persons, if any, co-opted, without election:—

(a) Women

(b) Scheduled castes

1.

1.

2.

2.

Name of persons co-opted by election:

(a) Women

(b) Scheduled castes

1.

1.

2.

2.

Date:

Signature of Presiding Officer.

Sd/-

Under Secretary.